

ESTTA Tracking number: **ESTTA347745**

Filing date: **05/17/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Bell's Brewery, Inc.
Granted to Date of previous extension	05/16/2010
Address	8938 Kurm Avenue Galesburg, MI 49053 UNITED STATES
Attorney information	G. Patrick SAGE HUESCHEN & SAGE, PLLC 107 West Michigan Avenue, Seventh Floor, Kalamazoo Building Kalamazoo, MI 49007 UNITED STATES gps@hueschen-sage.us, jtf@hueschen-sage.us Phone:269-382-0030

### Applicant Information

Application No	77687494	Publication date	11/17/2009
Opposition Filing Date	05/17/2010	Opposition Period Ends	05/16/2010
Applicant	Paragon Food Service Corporation 1245 Puerta Del Sol San Clemente, CA 92673 UNITED STATES		

### Goods/Services Affected by Opposition

Class 032. First Use: 2004/01/00 First Use In Commerce: 2004/01/00  
All goods and services in the class are opposed, namely: Beer, ale, lager, stout and porter

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1925758	Application Date	09/12/1994
Registration Date	10/10/1995	Foreign Priority Date	NONE
Word Mark	THIRD COAST		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 032. First use: First Use: 1986/03/19 First Use In Commerce: 1986/03/19 beer, including ale, porter, stout, and malt liquor
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Attachments	BELL AG 38 Opp. Notice.pdf ( 3 pages )(21921 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jtfrench/
Name	Joanna T. FRENCH
Date	05/17/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark  
Application Serial No. 77/687,494

BELL'S BREWERY, INC.

Opposer,

v.

PARAGON FOOD SERVICE CORPORATION  
d/b/a LEFT COAST BREWING CO.

Applicant.

Opposition No. \_\_\_\_\_

**BELL'S BREWERY, INC.'S**  
**NOTICE OF OPPOSITION**

BELL'S BREWERY, INC. ("Opposer"), a Michigan corporation, located at 8938 Krum Avenue, Galesburg, Michigan, 49053, believes that it will be damaged by registration of the mark LEFT COAST BREWING CO. of PARAGON FOOD SERVICE CORPORATION d/b/a LEFT COAST BREWING CO. ("Applicant"), a California corporation, in Application Serial No. 77/687,494, published in the Official Gazette on November 17, 2009, identifying the goods "beer, ale, lager, stout and porter", in International Class 32 ("Application"), and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer owns U.S. Registration No. 1,925,758 issued on the Principal Register of the U.S. Patent and Trademark Office on October 10, 1995 for the trademark THIRD COAST® used in association with “beer, including porter and ale, stout, and malt liquor”, in International Class 32. (“Registration”). The Registration provides that THIRD COAST® was first used in commerce on March 19, 1986. The Registration is valid and subsisting, unrevoked and uncanceled, and Opposer is the owner thereof and of the goodwill appurtenant thereto.
2. Opposer has superior and exclusive federal and common law rights in the THIRD COAST® trademark and other related trademarks.
3. By the Application herein opposed, Applicant seeks to register the mark LEFT COAST BREWING CO. for goods “beer, ale, lager, stout and porter”, in International Class 32 under a use-in-commerce basis under 15 U.S.C. §1051(a).
4. Applicant’s LEFT COAST BREWING CO. mark, when considered in its entirety, is similar in sight, sound, appearance, and commercial impression to Opposer’s THIRD COAST® trademark. Further, the mark, when applied to Applicant’s goods, which are identical to Opposer’s goods bearing the THIRD COAST® trademark or used in association with Applicant’s goods, are likely to cause confusion and mistake, and to deceive and mislead consumers into believing that Applicant’s beverages originate with or are sponsored or licensed by Opposer.

5. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's mark sought to be registered in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and will give color of statutory rights to Applicant in violation and derogation of the statutory rights of Opposer in its THIRD COAST® trademark as well as additional rights under common law.

Wherefore, Opposer believes that it will be damaged by the registration of Applicant's marks and respectfully requests that this opposition be sustained and that registration of Application Serial No. 77/687,494 be refused.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

//jtfrench//

Dated: May 17, 2010

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G. Patrick SAGE (37,710)  
Joanna T. FRENCH (59,688)  
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Kalamazoo, Michigan 49007  
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